



VILLAGE OF WILMETTE

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MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE, ILLINOIS HELD IN THE COUNCIL ROOM OF SAID VILLAGE HALL, 1200 WILMETTE AVENUE, WILMETTE, ILLINOIS ON TUESDAY, SEPTEMBER 10, 2013.

ITEM:

The Village President called the meeting to order at 7:33 p.m.

1.0 ROLL CALL:

President	Bob Bielinski
Trustees	Alan Swanson
	Carol Ducommun
	Cameron Krueger
	Julie Wolf
	Ted McKenna
	Mike Basil

Staff Present:

Timothy J. Frenzer, Village Manager
Michael Braiman, Assistant Village Manager
Michael Zimmermann, Corporation Counsel
Barbara L. Hirsch, Deputy Village Clerk
John Prejzner, Assistant to the Village Manager
John Adler, Director of Community Development

2.0 APPROVAL OF MINUTES:

- 2.1 Trustee Basil moved approval of minutes of the Regular Board meeting held August 27, 2013, seconded by Trustee Wolf. All voted aye, the motion carried.
- 2.2 Trustee Basil moved approval of minutes as amended of the Committee of the Whole meeting held July 15, 2013, seconded by Trustee Ducommun. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

James Boratyn said he is with the Illinois Department of Transportation and introduced himself as the new Community Relations liaison to the Village of Wilmette.

4.1 Consent Agenda. Trustee Basil moved approval of the Consent Agenda as follows:

- 6.11 Minutes, Zoning Board of Appeals.
- 6.12 Temporary Use Permit #2013-TU-21 for the Shabahang Royal Carpets Tent Sale to be held October 10 to November 29, 2013.
- 6.13 Temporary Use Permit #2013-TU-22 for the Linden Square Pumpkin Walk to be held on October 26, 2013 from 11 a.m. to 1:00 p.m.
- 6.14 ZBA Report, Case #2013-Z-29, 1023 Ashland Avenue regarding a request for variations to permit the construction of a front porch and two-story addition to the legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2013-O-46.
- 6.15 ZBA Report, Case #2013-Z-30, 239 Apple Tree Lane regarding a request for variations to permit the replacement of an existing deck, stairs, and fence on the legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2013-O-47.
- 6.16 ZBA Report, Case #2013-Z-31, 215 Millbrook Lane regarding a request for variations to permit the replacement of a 6.0' high solid fence in a required front yard in accordance with the plans submitted; adoption of Ordinance #2013-O-48.

- 6.21 Presentation of the July 31, 2013 Revenue and Expense Report.
- 6.22 Presentation of the July 31, 2013 Cash and Investment Summary.
- 6.23 Presentation of the July 31, 2013 Treasurer's Report of Cash Receipts and Disbursements.
- 6.24 Adoption of Resolution #2013-R-33 authorizing a \$1,250,000 transfer from the Water Fund to the General Fund for fiscal year 2013.

- 6.31 Minutes, Housing Commission.
- 6.32 Introduction of Ordinance #2013-O-42 amending the Village Code, Chapter 13 regarding parking meter regulations in certain parking lots.

- 6.41 Approval of sixteen month contract extension, Christopher B. Burke Engineering, LTD, Rosemont, IL for Engineering Plan Review and Inspection Services.

- 6.42 Approval of contract extension, Trees “R” Us, Inc., Wauconda, IL for tree pruning.

- 8.1 Notice of vacancy, Housing Commission.
- 8.2 Notice of vacancy, Housing Commission.
- 8.3 Notice of vacancy, Electrical Commission.
- 8.4 Notice of vacancy, Historic Preservation Commission.
- 8.5 Notice of vacancy, Environmental and Energy Commission.
- 8.6 Notice of vacancy, Transportation Commission.
- 8.7 Notice of vacancy, Environmental and Energy Commission.
- 8.8 Notice of vacancy, Environmental and Energy Commission.
- 8.9 Notice of vacancy, Historic Preservation Commission.

- 9.1 Recommendation of appointment, Historic Preservation Commission.

Trustee Basil seconded the motion. Voting yes: Trustees Swanson, Ducommun, Krueger, Wolf, McKenna, Basil and President Bielinski. Voting no: none. The motion carried.

- 4.2 Introduction of Homa Ghaemi who is recommended for appointment to the Historic Preservation Commission.

President Bielinski introduced Ms. Ghaemi to the Village Board and recommended her appointment to the Historic Preservation Commission.

4.0 REPORTS OF OFFICERS:

Village Manager Timothy Frenzer introduced Michael Braiman as the new Assistant Village Manager for the Village.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Report.

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

- 6.11 Presentation of minutes of the Zoning Board of Appeals meeting held July 17, 2013 was handled with the Consent Agenda.

- 6.12 Approval of Temporary Use Permit #2013-TU-21 for the Shabahang Royal Carpets Tent Sale to be held October 10 to November 29, 2013 was handled with the Consent Agenda.
- 6.13 Approval of Temporary Use Permit #2013-TU-22 for the Linden Square Pumpkin Walk to be held on October 26, 2013 from 11 a.m. to 1:00 p.m. was handled with the Consent Agenda.
- 6.14 Zoning Board of Appeals Report, Case #2013-Z-29, 1023 Ashland Avenue regarding a request for a 2.5' side yard setback variation, a 1.02' front yard porch stair setback variation, and a 0.5' side yard deck setback variation to permit the construction of a front porch and two-story addition to the legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2013-O-46.

The request was handled with the Consent Agenda for a 2.5' side yard setback variation, a 1.02' front yard porch stair setback variation, and a 0.5' side yard deck setback variation to permit the construction of a front porch and two-story addition to the legal nonconforming structure in accordance with the plans submitted. Ordinance #2013-O-46 was adopted with the Consent Agenda authorizing the variations of this case.

- 6.15 Zoning Board of Appeals Report, Case #2013-Z-30, 239 Apple Tree Lane regarding a request for a 137.11 square foot (1.62%) lot coverage variation, a 903.76 square foot (10.70%) total floor area variation, a 6.26' side yard deck setback variation, a 2.92' rear yard deck setback variation, a 5.26' side yard stair setback variation, a 5.35' rear yard stair setback variation, and a 6.21' fence height variation to permit the replacement of an existing deck, stairs, and fence on the legal nonconforming structure in accordance with the plans submitted; adoption of Ordinance #2013-O-47.

The request was handled with the Consent Agenda for a 137.11 square foot (1.62%) lot coverage variation, a 903.76 square foot (10.70%) total floor area variation, a 6.26' side yard deck setback variation, a 2.92' rear yard deck setback variation, a 5.26' side yard stair setback variation, a 5.35' rear yard stair setback variation, and a 6.21' fence height variation to permit the replacement of an existing deck, stairs, and fence on the legal nonconforming structure in accordance with the plans submitted. Ordinance #2013-O-47 was adopted with the Consent Agenda authorizing the variations of this case.

- 6.16 Zoning Board of Appeals Report, Case #2013-Z-31, 215 Millbrook Lane regarding a request for a 2.0' fence height variation and a fence openness variation to permit the replacement of a 6.0' high solid fence in a required front yard in accordance with the plans submitted; adoption of Ordinance #2013-O-48.

The request was handled with the Consent Agenda for a 2.0' fence height variation and a fence openness variation to permit the replacement of a 6.0' high solid fence in a required front yard in accordance with the plans submitted. Ordinance #2013-O-48 was adopted with the Consent Agenda authorizing the variations of this case.

- 6.17 REMOVE FROM TABLE - Zoning Board of Appeals Report, Case #2013-Z-20, 111 Carriage Way regarding a request for a special use for a roofed accessory structure in excess of 200 square feet and a 4.0' accessory structure separation variation to retain a gazebo in accordance with the plans submitted. The use shall run with the use.

Trustee Swanson moved to remove item 6.17 from table, seconded by Trustee Basil. All voted aye, the motion carried.

Trustee Swanson moved to grant a request for a special use for a roofed accessory structure in excess of 200 square feet and a 4.0' accessory structure separation variation to retain a gazebo in accordance with the plans submitted. The use shall run with the use, seconded by Trustee Basil.

President Bielinski noted that the request received a negative recommendation from the Zoning Board of Appeals and will need five positive votes to overturn the negative recommendation.

Agim Saipi, petitioner, reviewed his request as presented in the Zoning Board of Appeals report. He noted that when he bought his home there was an existing concrete base with a gazebo. Since then, he decided to replace the gazebo and did not know a permit was needed.

Trustee Swanson asked who built the new gazebo and what the dimensions for the gazebo are.

Mr. Saipi said he built the gazebo with his brother and a friend and it is 19' by 19'.

Trustee Swanson said since there are no plans for the gazebo it is hard to tell the exact size but it does look bigger than what the petitioner has said.

John Adler, Director of Community Development, said he believes the gazebo is approximately 283-284 square feet.

Trustee Swanson asked how the gazebo was anchored.

Mr. Saipi said the gazebo posts are on top of the concrete but the Building Inspector Jim Toya said the posts would have to be anchored a few feet down into the cement.

Trustee Swanson asked Mr. Saipi if he would submit plans for the gazebo and go through the permit process.

Mr. Saipi said he would have to submit plans, redo the posts and go through the permit process.

Mr. Adler said the gazebo would have to be built according to the building code. The applicant understands that the gazebo he has right now will not be able to remain and there will be a cost for a building permit for the new gazebo.

Trustee Swanson noted that Mr. Saipi brought in a petition that most of his neighbors signed. He asked why two of the neighbors did not sign the petition.

Mr. Saipi said one house is vacant and the other neighbor said he would let the Village decide what to do with the gazebo.

Trustee Basil asked what type of gazebo was there when Mr. Saipi bought the home.

Mr. Saipi said the gazebo was from Home Depot, he would put it up in the spring and take it down in the fall.

Trustee Krueger asked if the gazebo had electricity or a grill.

Mr. Saipi said the gazebo did not have electricity and there is a grill outside of the gazebo.

President Bielinski noted there was no one present to speak for or against the request.

Trustee Swanson said it is disturbing to keep having cases that have structures built without a permit. He is not concerned with the request for the special use or the size of the gazebo. The concern is the safety issue of the gazebo that is currently there and that is why permits are required.

Trustee Ducommun said she agrees with Trustee Swanson's concern with residents begging for forgiveness after doing something without a permit. She would like to see more publicity regarding the fact that there are rules regarding construction in the Village and residents must adhere to them. She did visit the petitioner's property and the gazebo is a large structure. She does have safety concerns with such a large structure and would like to see that it adheres to the Village's building codes. She did observe that the structure has minimal impact on the neighbors in the area. She will support the request with the changes to the gazebo that have been discussed this evening.

Trustee Krueger said he believes that if the request had come to the Village Board with a set of plans, they would have approved it. He also believes there is a very pervasive problem in the Village with people coming to the Village Board after something has been built and he has repeatedly voted against approving something after the fact. He is extremely happy and relatively confident that the petitioner is going to improve the structure. On general principals, he believes the Board should not be approving things after the fact, residents need to get permits before they build structures.

Trustee Wolf said she agrees with her fellow Trustees that it is not good to build things and ask for approval after the fact. Having had it clarified that the request is within the reasonable realm of lot coverage and that the structure will go through the building permit process and be brought up to code for safety, she will support the request.

Trustee McKenna said he would support any public education to help residents identify what is needed in regards to permits. He believes the request meets the standards for hardship and he will support the request.

Trustee Basil said the petitioner is replacing an existing structure that would have been allowed if Mr. Saipi had come to the Village Board in

advance of building the structure. He believes the request meets the standards of review for the variation and special use so he will support it.

President Bielinski said he agrees with his colleagues that the request meets the standards of review for the variation and special use.

Voting yes: Trustees Swanson, Ducommun, Wolf, McKenna, Basil and President Bielinski. Voting no: Trustee Krueger. The motion carried.

President Bielinski said an ordinance granting the variation and special use will be approved at the next Regular Village Board Meeting on September 24, 2013.

- 6.18 REMOVE FROM TABLE - Zoning Board of Appeals Report, Case #2013-Z-23, 901 Greenleaf Avenue regarding a request for a 208.58 square foot (2.18%) total floor area variation to permit a one-story addition in accordance with the plans submitted.

Trustee Swanson moved to remove item 6.18 from table, seconded by Trustee Ducommun. All voted aye, the motion carried.

Trustee Swanson noted that the request was previously moved and seconded.

President Bielinski said the request received a negative recommendation from the Zoning Board of Appeals and will need five affirmative votes.

Healy Rice, architect for the petitioner, reviewed the request as presented in the Zoning Board of Appeals Report noting that the petitioner has different needs for the home than the previous homeowner who built the home for their lifestyle. She said the neighbor next to the petitioner did not have an issue with the proposed one story addition.

Trustee Swanson said in reviewing the Zoning Board of Appeals Report, he noted that the use of the rooms on the first floor of the home have been changed.

Trustee Ducommun said she also noted in the Zoning Board of Appeals report that the current homeowner added some built-ins on the first floor.

Marilyn Urrutia, applicant, said they constructed the built-ins after they moved into the home.

President Bielinski asked the applicant to address the hardship of the request.

Ms. Rice said the oversized garage and the large amount of attic space are the issue for the applicant as they have different needs than the previous homeowner who built the home.

Ms. Urrutia said the previous homeowners did not allow for enough room in the kitchen area for a table to have the family eat at. If they had built the home, they would have built a smaller garage and attic and added the allowable space for a larger kitchen and mudroom.

Trustee Ducommun asked what the applicant's vision was for the home when they purchased it.

Ms. Urrutia said they loved the home and at that time did not have a vision for the home. They made the front room of the house into a studio/office as they had no use for a dining room. She said there is a school and church near them so they would not be impacting any neighbors.

Trustee Krueger asked what the petitioner considered in the space of the home when they considered an addition to the home.

Ms. Urrutia said they did ask for an estimate to reconfigure the first floor of the home but it was very costly.

President Bielinski asked the petitioner to address the hardship standard of not creating the problem that the petitioner is currently trying to resolve.

Ms. Rice said she did look at reconfiguring the first floor of the home with the petitioner but she believes the hardship falls to the previous owner who built the home for a different lifestyle. The applicant is proposing a modest addition to accommodate their lifestyle needs.

Trustee Swanson asked the petitioner to describe how the rooms are currently used on the first floor.

Ms. Urrutia reviewed the floor plan of the first floor as shown in the report.

President Bielinski noted that there was no one present to speak in favor of or against the request.

Trustee Swanson said he understands the request and why the petitioner is asking for the variation. He does not believe there is a hardship because the petitioner wants to use the home differently than the previous homeowner.

Trustee Basil said he believes the petitioner's plans are a good solution to the problem that they have. He is actually persuaded because the home is on a corner lot and the setbacks are different which squeezes the floor plan. He also believes the petitioner is penalized by the large attic space and asked if there was a way to work with that space.

Mr. Adler said if the proposed new Zoning Ordinance is adopted as currently drafted, the petitioner would pick up an additional 120 square feet which would be a difference of approximately 75 square feet from what they are requesting.

Ms. Rice said the petitioner would prefer to have what they are asking for if it is possible.

Trustees Swanson, Basil, Krueger, Ducommun, Wolf, and McKenna said they believe the petitioner has made choices in the use of the home and do not believe there is a hardship for the variation.

Trustee McKenna said he would support the petitioner's request if they reconfigured the plan and only requested 120 square feet which would meet the new Zoning Ordinance requirements once it has been adopted.

Trustee Swanson said he believes the majority of the Board would support that request if the petitioner would like to revise their plans.

Ms. Rice asked if the Village Board would consider voting on revised plans this evening according to the proposed Zoning Ordinance.

Mr. Adler asked for a short period of time to confirm the calculations of the variance for the Village Board.

President Bielinski said the Village Board seems willing to approve plans to be determined, if those plans, while requiring a variance today under our existing Zoning Ordinance would not require a variance under the proposed Zoning Ordinance which the Village Board expects to be adopted soon.

Corporation Counsel Michael Zimmermann said when the Village Board makes a motion to grant the request, they will have to designate a number for the variance and because the petitioner does not have amended plans at this time, the Board will have to give Mr. Adler a certain amount of discretion to approve the plans.

Mr. Adler said 120 square feet is the correct number for the variance under the proposed Zoning Ordinance.

Trustee Swanson withdrew the original motion.

Trustee Swanson moved to grant a motion for a 120 square foot total floor area variation to permit a one-story addition and direct Corporation Counsel to prepare an ordinance, seconded by Trustee Ducommun.

Voting yes: Trustees Swanson, Ducommun, Krueger, Wolf, McKenna, Basil and President Bielinski. Voting no: none. The motion carried.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Presentation of the July 31, 2013 Revenue and Expense Report was handled with the Consent Agenda.
- 6.22 Presentation of the July 31, 2013 Cash and Investment Summary was handled with the Consent Agenda.
- 6.23 Presentation of the July 31, 2013 Treasurer's Report of Cash Receipts and Disbursements was handled with the Consent Agenda.
- 6.24 Adoption of Resolution #2013-R-33 authorizing a \$1,250,000 transfer from the Water Fund to the General Fund for fiscal year 2013 was handled with the Consent Agenda.

6.3 ADMINISTRATION COMMITTEE REPORT:

6.31 Presentation of minutes of the Housing Commission meeting held June 5, 2013 was handled with the Consent Agenda.

6.32 Introduction of Ordinance #2013-O-42 amending the Village Code, Chapter 13 regarding parking meter regulations in certain parking lots was handled with the Consent Agenda.

6.4 MUNICIPAL SERVICES COMMITTEE REPORT:

6.41 Approval of sixteen month contract extension with Christopher B. Burke Engineering, LTD, Rosemont, IL for Engineering Plan Review and Inspection Services was handled with the Consent Agenda.

6.42 Approval of contract extension in the amount of \$57,000 with Trees "R" Us, Inc., Wauconda, IL for tree pruning was handled with the Consent Agenda.

6.5 PUBLIC SAFETY COMMITTEE REPORT:

No Report.

6.6 JUDICIARY COMMITTEE REPORT:

No Report.

7.0 REPORTS FROM SPECIAL COMMITTEES:

No Reports.

8.0 UNFINISHED BUSINESS:

8.1 Notice of vacancy on the Housing Commission due to the term expiration of Jack Rosenberg was handled with the Consent Agenda.

8.2 Notice of vacancy on the Housing Commission due to the term expiration of Gregory Braun was handled with the Consent Agenda.

8.3 Notice of vacancy on the Electrical Commission due to the term expiration of Robert May was handled with the Consent Agenda.

- 8.4 Notice of vacancy on the Historic Preservation Commission due to the resignation of Senta Plunkett was handled with the Consent Agenda.
- 8.5 Notice of vacancy on the Environmental and Energy Commission due to the term expiration of Karen Glennemeier was handled with the Consent Agenda.
- 8.6 Notice of vacancy on the Transportation Commission due to the term expiration of Mark Wagstaff was handled with the Consent Agenda.
- 8.7 Notice of vacancy on the Environmental and Energy Commission due to the term expiration of Debra Favre was handled with the Consent Agenda.
- 8.8 Notice of vacancy on the Environmental and Energy Commission due to the term expiration of Charles Murdock was handled with the Consent Agenda.
- 8.9 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Rich Lytle was handled with the Consent Agenda.
- 9.0 NEW BUSINESS:
 - 9.1 Recommendation of appointment of Homa Ghaemi to the Historic Preservation Commission from September 10, 2013 to September 10, 2017 was handled with the Consent Agenda.
- 10.0 ADJOURNMENT:

Trustee Basil moved to adjourn the meeting at 9:08 p.m., seconded by Trustee Wolf. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk